

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

TERRY TYRONE PULLEN, JR.,

Case Number 1:20-cv-0050

Plaintiff,

**District Judge Matthew W. McFarland
Magistrate Judge Caroline H. Gentry**

v.

CORRECTIONS OFFICER TABOR, *et al.*,

Defendants.

SCHEDULING ORDER

This case is exempt from the initial disclosure and discovery conference requirements set forth in Rules 26(a)(1) and 26(f) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 26(a)(1)(B)(iv) and 26(f)(1). Accordingly, the Court establishes the following schedule in accordance with Federal Rule of Civil Procedure 16(b):

1. AMENDMENTS TO THE PLEADINGS AND/OR JOINDER OF PARTIES:

Motions or stipulations addressing the parties or pleadings, if any, must be filed on or before **SEPTEMBER 30, 2022**.

- 2. DISCOVERY:** Discovery may proceed and must be completed on or before **MARCH 30, 2023**. Depositions of any persons who are incarcerated may proceed on such terms and conditions as the institution shall impose. The Court advises the parties that the discovery deadline requires that discovery requests be made sufficiently in advance to permit timely response. The Court further advises that motions relating to discovery, if any, shall be filed within the discovery period unless it is impossible or impracticable to do so.

3. **DISPOSITIVE MOTIONS:** The parties shall file motions for summary judgment, if any, on or before **APRIL 30, 2023**. The Court expects the parties to conduct any discovery that may be needed to address any potential motion for summary judgment before the discovery deadline.
- Defendants must file any motion raising the defense of qualified immunity on or before **APRIL 30, 2023**. If Defendants do not file a motion raising the defense of qualified immunity, the defense may still be raised at trial, but it cannot be raised by way of a pre-trial motion unless Defendants first demonstrate exceptional circumstances. The Court's appointment of counsel for Plaintiff, if ever, or the setting of a date for trial or evidentiary hearing, do not constitute exceptional circumstances.
4. **EXTENSIONS/MODIFICATIONS:** The Court will not modify or extend the dates set forth in this Scheduling Order without a written motion which sets forth particular reasons why good cause exists to grant modification. *See* Fed. R. Civ. P. 16(b)(4).

IT IS SO ORDERED.

/s/ Caroline H. Gentry
CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE